





U. S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

HENRY S. GRAVES, Forester.

INSTRUCTIONS REGARDING TERM OCCUPANCY
PERMITS.

ACT MARCH 4, 1915.

APRIL 22, 1915.

The act of March 4, 1915, authorizes the Secretary of Agriculture, upon such terms as he may deem proper, to allow the occupancy of National Forest lands for any period not exceeding 30 years where the lands are to be used for summer homes, hotels, stores, or other structures needed for recreation or public convenience, but no person may be allowed to use more than 5 acres. The purpose of the act is to make the National Forests more available than hitherto for recreation uses. Prior to its enactment National Forest lands could be occupied for the various purposes mentioned in the new law, but only under permits which were revocable at the discretion of the department.

Users of National Forest lands have expressed an unwillingness to make substantial improvements where they are to occupy lands under a permit subject to revocation at any time. Where, however, inexpensive structures are contemplated no difficulty has been experienced in meeting the wants of users by granting such a permit. It is expected, therefore, that in the future, as in the past, the needs of persons who do not expect to occupy the land for more than a few years will be met by the ordinary special-use permit. But where prospective permittees contemplate the erection of structures involving expenditures valued at a considerable amount, and therefore expect to occupy the land for several years, they should be given the right to occupy for a definite period under the new law, if they so desire.

The amount of land which any person may be allowed to use is limited to 5 acres. For ordinary summer-home uses it is believed that an area considerably less than this amount will be sufficient to meet the needs of most persons, since such area will be large enough to include all structures which it is probable will be erected. Ordinarily 1 acre, or even less, would suffice. Great care should be

taken to prevent a few persons gaining control of the best sites where it would be possible to suitably accommodate many others. It is not expected that permittees will be placed close together unless there is such demand for building sites in any particular locality that users must be placed near together in order to meet the reasonable needs of all. Permittees can be assured that while they are allowed to occupy only a restricted area, nevertheless it will be the policy of the department not to allow other persons to use lands immediately adjoining unless justified by reasonable necessity. In localities where it can be foreseen that there is a likelihood of considerable public demand for building sites, the forest supervisor should, at as early a date as practicable, survey the tract into lots in order that he may provide for the greatest number of users, and also handle this matter in an orderly manner. He should also prepare a general report on the locality, discussing climatic conditions, transportation facilities, distance from centers of population, and special features which would interest prospective users.

Permits are assignable with the consent of the officer by whom they were granted or his successor. In general, premises may be sublet, with the exception that the subletting of hotels and resorts must be with the approval of the district forester.

Permits will usually be granted subject to the following terms:

(a) That the permittee observe all regulations of the Department of Agriculture relating to the National Forests;

(b) That premises be kept in a neat and orderly condition and that the permittee dispose of refuse and locate outhouses and cesspools as directed by the forest officers and observe such other sanitary requirements as may at any time appear necessary to protect the public health;

(c) That improvements be constructed within a reasonable time and in accordance with plans and specifications filed with the forest officers, when required, and approved by them;

(d) That all reasonable caution be taken to prevent forest fires;

(e) That where the permit is for a business enterprise the permittee shall comply with the requirements of State laws and shall conduct his business in a legal and orderly manner;

(f) That timber shall be removed only under permit from forest officers;

(g) That a fair annual rental be paid for the use of the land occupied;

(h) That structures may be removed within a reasonable time after the permit is terminated;

(i) That the permit may be transferred with the approval of the officer who granted it or his successor; that hotels and resorts may be sublet only with the approval of the district forester;

(j) That a right of way be reserved for the free ingress and egress of forest officers and other users of National Forest lands as well as for the removal of products of the Forest;

(k) That on the expiration of the permit the permittee shall be considered the first applicant for a new permit to be granted subject to the conditions under which like permits are then granted;

(l) That as to public-service enterprises, such as hotels or resorts, the permittee may be required to conform to such regulations respecting rates and service as the department may make, should regulations be necessary in the interests of the public;

(m) That the permittee agree to such special terms as the conditions surrounding any particular case make necessary.

LANDS WHICH MAY BE OCCUPIED.

Permits may be given for any National Forest lands except lands which are subject to entry under the homestead law. Permits should not be given for lands which it can clearly be seen will be needed in a comparatively short time for public or quasi-public purposes, as, for instance, a reservoir, sawmill site, or public camping grounds.

RENTAL CHARGES.

The primary object of term permits is not to secure a revenue but to promote the use of National Forest lands for recreation purposes. At the same time, since permittees obtain special benefits, it is only fair that they should reimburse the Government to some extent for the expenditures it incurs in administering the land. As to summer homes, a fair annual charge should be made, taking into consideration the accessibility of the tract, special advantages which it may offer, and the amount of land covered by the permit. As to lands used for commercial purposes the charge should be based on what like private lands in the same locality would rent for if put to the same uses. In general, the rate for the entire period should be fixed at the time the permit is granted, but in unusual cases, where it is impracticable to fix the rate for the entire period at the time of granting the permit, provision may be made for readjustment from time to time.

The annual charge for summer-home permits will not be less than \$10; and for other permits under the law not less than \$15. The rates for special-use permits issued for indefinite periods will be as provided in Regulation L-32 and may be as low as \$5 per annum for summer homes.

PERMITS, BY WHOM GRANTED.

District foresters are authorized to grant permits where the permittee does not wish to make expenditures in excess of \$1,000 nor to obtain a permit for a greater period than 15 years. All other permits will be approved by the Forester.

PROCEDURE.

Applications for term permits shall be in writing and must be filed with the forest supervisor of the Forest affected. No special form is provided, but such applications should state the location of the lands desired, the use that will be made thereof, and the approximate cost of the improvements contemplated. If the application is for a hotel or summer resort, it must be accompanied by plans and specifications of the proposed structures and a statement as to their probable cost. The supervisor will cause a report to be made on Form 964 and a survey to be made by a forest officer of the land which is desired and it is recommended the applicant may be allowed to use. Whenever possible a forest officer should examine the land in company with the applicant so that there will be no misunderstanding as to the land that is wanted. The supervisor's report should include a recommendation as to the annual charge and his reasons therefor. In reporting on applications for hotels or resorts he should also state what he knows about the financial ability of the applicant to carry out his plan and the location of the hotel and resort with respect to other like places, as well as any other fact which would be of interest to the granting officer in acting on the application. The permit should be written on Form 854.

When the approved permit is sent to the permittee, it should be accompanied by a copy thereof to be signed by him and returned to the forest supervisor.

A. F. POTTER,
Acting Forester.

Approved:

D. F. HOUSTON,
Secretary of Agriculture.

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